

**ORMOND BEACH CITY COMMISSION MEETING  
HELD AT CITY HALL COMMISSION CHAMBERS**

**March 8, 2011**

**7:00 p.m.**

Present were: Mayor Ed Kelley, Commissioners James Stowers, Troy Kent, Rick Boehm and Bill Partington, City Manager Joyce Shanahan, Assistant City Manager Ted MacLeod, City Attorney Randy Hayes, and City Clerk Veronica Patterson.

**A G E N D A**

- 1) Meeting call to order by Mayor Kelley.
- 2) Invocation by Reverend Polly Deppen, Christ Presbyterian Church.
- 3) Pledge of Allegiance.
- 4) **PRESENTATIONS:**
  - A) Police Department Valor Awards to Officers Rhett Summerlot, Christopher Davis, Richard Rubin, Gregory Stokes and Sgt. Tony Corn.
  - B) Proclamation in honor of the Ormond Beach Soccer Club.
- 5) **AUDIENCE REMARKS:**
- 6) **APPROVAL OF THE MINUTES** of the February 15, 2011, meeting.
- 7) **COMMUNITY REDEVELOPMENT AGENCY MEETING:**
  - A) Consideration of a bid from Tomoka Construction Service, Inc., regarding the Downtown Parking Improvements – Bovard Avenue, Coquina and Vining Court project under Bid No. 2011-03. (\$366,386) (Acting City Engineer) **Item #9A**
  - B) Approval of a conceptual plan for the Florida Department of Transportation SR40 resurfacing project from Beach Street to Washington Avenue. (Acting City Engineer) **Item #9B**
- 8) **CONSENT AGENDA:** The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.
  - A) Resolution No. 2011-37 appointing members of the Public Works Advisory Board; setting forth terms and conditions of service; and setting forth an effective date. (Joe Lipscomb, Robert Boggs, George D. (Sandy) Dunn, Steve Buswell, and Eugene Miller)(City Clerk)
  - B) Resolution No. 2011-38 authorizing the execution of a Community Development Subrecipient Agreement between the City and Great Kids Explorer Club, Inc., regarding tutoring services for at-risk students. (Grants Coordinator).
  - C) Resolution No. 2011-39 authorizing the execution of an agreement with Shelley's Environmental Systems regarding sludge disposal services under a cooperative bid solicited by the City of Daytona Beach; authorizing payment therefor; rejecting all other bids. (Utilities Manager)
  - D) Budget calendar for the FY 2011-12 budget. (Finance Director)

DISPOSITION: Approve as recommended in City Manager memorandum dated March 3, 2011.
  - E) Federal lobbyist contract with Marlowe & Company. (Assistant City Manager)

DISPOSITION: Approve as recommended in City Manager memorandum dated March 3, 2011.
  - F) TPO Enhancement Project Application for Thompson Creek Trail Feasibility Study.

DISPOSITION: Approve as recommended in City Manager memorandum dated March 3, 2011.

- G) Development of parking and park facilities for Ormond Beach's Andy Romano Beachfront Park. (Acting City Engineer)

DISPOSITION: Approve as recommended in City Manager memorandum dated March 3, 2011.

- H) Letter of support of the feasibility study for a sidewalk on Calle Grande Street.

DISPOSITION: Approve as recommended in City Manager memorandum dated March 3, 2011.

- I) Follow up regarding the City Commission Goals Workshop.

DISPOSITION: Approve as recommended in City Manager memorandum dated March 3, 2011.

9) **PUBLIC HEARINGS:**

- A) Resolution No. 2011-40 of the City Commission, also acting as the Community Redevelopment Agency, of the City of Ormond Beach, Florida, accepting the bid of Tomoka Construction Services, Inc., regarding the Downtown Parking Improvements Project (Bid No. 2011-03); rejecting all other bids; authorizing the execution of a contract and payment thereunder. (\$366,386) (Acting City Engineer)

- B) Resolution No. 2011-41 of the City Commission, also acting as the Community Redevelopment Agency of the City of Ormond Beach, Florida, approving a conceptual plan as submitted by Florida Department of Transportation for the SR40 Resurfacing Project. (Acting City Engineer)

- C) Ordinance No. 2011-07 amending Chapter 1, General Administration, of Article III, Definitions and Acronyms, Section 1-22, Definition of Terms and Words, Chapter 2, District and General Regulations of Article II, District Regulations, Section 2-32, Light Industrial (I-1), and Chapter 2, District and General Regulations of Article IV, Conditional and Special Exception, Subsection N, of the City of Ormond Beach *Land Development Code*, to add a definition of non-emergency medical transport services; to add a non-emergency medical transport services conditional use to the I-1 zoning district and certain conditions/criteria to the conditional use. (Second Reading)

- D) Ordinance No. 2011-08 of the City of Ormond Beach, Florida, imposing a temporary moratorium for 180 days on the receipt, consideration or issuance of any business tax receipt, building permit, special exception, site plan approval or any other official action of the City of Ormond Beach having the effect of permitting or allowing the operation of internet cafes, internet sweepstakes redemption centers, or adult arcade amusement centers pending the study of the legalities of such operations and whether the regulation of such activities and facilities is required; providing legislative findings; providing the duration; severability; repealing all ordinances or parts of ordinances in conflict herewith. (Planning Director/City Attorney) (First Reading)

- E) Ordinance No. 2011-09 annexing certain real property into the City of Ormond Beach, said property being generally located along the east side of North U.S. Highway 1 adjacent to the northbound entrance to Interstate 95 and being commonly located at 1561 North U.S. Highway 1, including a portion of Rosemary Street and Atlantic Road; redefining the territorial boundaries of the City of Ormond Beach to include the property; re-designating the boundaries of Zone 1 of the City of Ormond Beach to include the property; providing for transmission; providing for severability; and setting forth an effective date. First Reading) (Planning Director)

- F) Ordinance No. 2011-10 annexing certain real property into the City of Ormond Beach, said property being generally located along the east side of North U.S. Highway 1 approximately 1,125 linear feet south of Interstate 95 and being commonly located at 1521 North U.S. Highway 1, including that portion of Benton Street and Broadway Avenue abutting the property; redefining the territorial boundaries of the City of Ormond Beach to include the property; re-designating the boundaries of Zone 1 of the City of Ormond Beach to include the property; providing for transmission; providing for severability; and setting forth an effective date. (First Reading) (Planning Director)

- 10) **SECOND READING OF ORDINANCE** No. 2011-06 amending Subsection E, Docks, Boathouses and Boat Lifts of Chapter 2, District and General Regulations, of Article III,

General Regulations, Section 2-50, Accessory Uses, of the *Land Development Code*, by increasing the highest point of the roof of any boathouse or similar structure above the water level at mean high tide from 12 feet to 18 feet; and by adding an exception to the permit requirements that are eligible for “Consent by Rule” from the Florida Department of Environmental Protection for single family dock projects not in an aquatic preserve. (Planning Director)

11) **REPORTS, SUGGESTIONS, REQUESTS:** Mayor, City Commission, City Manager, City Attorney.

12) **CLOSE THE MEETING.**

Item #1 – Meeting Call to Order

The meeting was called to order by Mayor Kelley at 7:00 p.m.

Item #2 – Invocation

Commissioner Partington introduced Reverend Polly Deppen from his church, Christ Presbyterian Church, to give the invocation.

Rev. Deppen presented the invocation.

Item #3 – Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Kelley.

Item #4A – Police Department Valor Awards

Chief Osterkamp stated it was his honor and privilege to award the Police Department Medal of Honor, which was the highest award of the department to Officers Christopher Davis, Richard Rubin, Greg Stokes, Rhett Summerlot, along with recently retired Sgt. Tony Corn. He explained Officers Chris Davis, Rhett Summerlot and Richard Rubin responded to an apartment fire at the Oaks of Lakebridge at 3:20 a.m., November 28, 2010, to find the building in flames, and the apartment where the fire seemed to have started was locked. He stated the officers kicked in the apartment door and to their great peril, entered and searched the apartment for possible victims. The Chief stated that after finding the apartment unoccupied, the officers continue to awaken the other residents in the building. Chief Osterkamp reported the second incident occurred on January 27, 2011, at a house fire at 204 Ridgewood Avenue, where then Sgt. Tony Corn and Officer Gregory Stokes responded to the call to find the house fully engulfed by flames. He stated they could see in the window that a victim was lying on the floor. He stated Officer Stokes was forced to crawl through the thick smoke to rescue the victim; Tony Corn, fearing that Officer Stokes might not find his way back out, grabbed his ankle and followed him to assist in recovering of the individual who had been overcome by the smoke. Chief Osterkamp stated their heroism and selfless commitment brought credit to themselves, the Police Department and the law enforcement profession. He noted that Tony Corn ventured into that burning house, attempting to save the victim, on his last day before his planned retirement.

Item #4B – Proclamation in honor of Ormond Beach Soccer Club

Jeroen Kistemaker, Director of Recreation of the Ormond Beach Soccer Club, thanked the City and the City’s Leisure Services Department for all the support provided to the Soccer Club. He presented the City with a check for \$2,000 to be used toward enhancements to the athletic fields.

Mayor Kelley read a proclamation honoring the Ormond Beach Soccer Club, stating the Ormond Beach Soccer Club provided a fun, safe and healthy game for all children to participate for fun or in competitive situations. The Mayor thanked the coaches and participants for their contribution.

Item #5 – Audience Remarks

Sgt. (ret.) Tony Corn, spoke to the inequities of the pay system in the Police Department, such as officers who have been with the City for five years at the same pay as officers just starting, or a supervisor who was making less than the officers he supervised. He stated the City needed to review the salaries and the pensions of the Police Department employees.

Item #6 – Approval of the Minutes

Mayor Kelley advised the minutes of the February 15, 2011, regular meeting had been sent to the Commission for review, and on the City’s website for public review. Mayor Kelley asked for any corrections, additions, or omissions. Mayor Kelley stated that hearing no corrections, the minutes would stand approved as presented.

Item #7A – Community Redevelopment Agency – Downtown Parking Improvements

Mayor Kelley stated the City Commission served as the Community Redevelopment Agency (CRA) for the Downtown Redevelopment Area, and as such, must review each CRA agenda item and make a recommendation as the CRA prior to the City Commission public hearing; therefore, the City Commission meeting would be recessed, and a meeting of the Community Redevelopment Agency convened. He explained that once the recommendations were made, the CRA meeting would be adjourned and the City Commission meeting reconvened.

Mayor Kelley stated the City Commission meeting was recessed, and he called the meeting of the Community Redevelopment Agency to order at 7:20 p.m.

Item #7A – CRA – Preliminary Engineering Services

Mayor Kelley stated the item was regarding the construction of Downtown Parking Improvements for Bovard Avenue, Coquina and Vining Court.

**Commissioner Partington moved, and Commissioner Stowers seconded, to recommend approval of Resolution No. 2011-40 regarding Downtown Parking Improvements.**

Commissioner Kent asked to make sure the money was being spent wisely, and asked to discuss the size and expense of the palm trees.

John Noble, Acting City Engineer, introduced Paul Momberger, Landscape Architect with Zev Cohen and Associates, to answer any landscape questions.

Paul Momberger stated the palm trees were 24” in diameter, like the palm trees on Granada Boulevard and gave further explanation as to the size of the trees.

Commissioner Kent stated the cost seemed high at \$5,000 per tree. He stated he had searched the internet and found some trees up to 14 feet for \$2,700 to \$3,200 and trees with 8 foot clear trunks were \$3,500. He commented that he did not consider shipping and planting, but he stated those were good prices. He stated he was okay with the project, but wanted to bring attention to it due to the costs of the project.

Acting City Engineer John Noble stated the prices were discussed when the bids were received and the bid prices were normal compared to other project bids for these trees.

Mayor Kelley stated it was a lot of money to spend in this economy, and he had hoped for more parking spaces as a result of the project. He reported the voice vote was unanimous in favor of the recommendation.

Item #7B – Community Redevelopment Agency – SR40 Resurfacing Project

Mayor Kelley stated this item was regarding approval of the conceptual plan for the FDOT resurfacing of SR40 from Beach Street to Washington Avenue.

**Commission Boehm moved, Commissioner Stowers seconded, to recommend approval of Resolution No. 2011-41 by the City Commission.**

Mayor Kelley called for a voice vote, which resulted in unanimous approval for recommending Resolution No. 2011-41 to the City Commission. Mayor Kelley stated that the CRA was adjourned and reconvened the City Commission meeting at 7:30 p.m.

Item #8 –Consent Agenda

Mayor Kelley advised the action proposed for each item on the Consent Agenda was so stated on the agenda. He asked if any member of the Commission had questions or wished to discuss any item separately.

Commissioner Kent requested Items #8B and #8C be pulled for discussion.

**Commissioner Partington moved, seconded by Commissioner Boehm, for approval of the Consent Agenda, minus Items #8B and #8C.**

Call Vote:	Commissioner Stowers	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
Carried.	Mayor Kelley	Yes

Item #8B – Great Kids Explorers Club

RESOLUTION NO. 2011-38

A RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT SUBRECIPIENT AGREEMENT BETWEEN THE CITY AND GREAT KIDS EXPLORER CLUB, INC. REGARDING TUTORING SERVICES FOR AT-RISK STUDENTS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Resolution No. 2011-38, as read by title only.**

Commissioner Kent expressed his excitement for this program, that the City was participating and being a part of this. He stated he had some concerns with the cost of \$19,000 for one part time non-certified teacher. He stated in the future, a certified teacher should be required for this type of position.

Commissioner Partington inquired about what would be involved to require a certified teacher.

City Manager Shanahan explained this was a grant to the Great Kids Explorer Club, a non-profit organization, which was not under the direction of the City. She stated that if the Commission desired something different, the City could develop its own tutoring program, which would require County approval before CDBG funds would be available. She explained the City had received a fund request from the Great Kids Explorer Club as part of the CDBG program.

Sandra Rakes from the Great Kids Explorer Club explained the salary in the grant request was a portion of the salaries to operate the program for a full year; not salary for one individual, but split between two tutors. She stated the program worked with certified teachers in planning the curriculum, and then the volunteers were trained to work with the students after school hours. She stated the program could not afford \$30 to \$40 an hour for certified teachers for after school tutoring. She explained the job involved more than just tutoring; it included administration, curriculum writing, planning and training. She stated that currently the program had 70 volunteers, many of whom are retired teachers, to do the tutoring for 140 children countywide.

Commissioner Kent inquired how many students involved were from Ormond Beach.

Ms. Rakes stated that 25 students had been enrolled in the enrichment program from Ormond Elementary and Osceola Elementary; the tutoring was at First United Methodist for the life skill enrichment program, which is the first step to prepare the students for learning, and the second site was at 100 East Granada Boulevard for one-on-one tutoring.

Mayor Kelley stated he volunteered for some time, and there were nurses, doctors, retired engineers, and retired professionals in the program. He stated a lot of the children have no one at home to help them with their homework. He stated it was a great program.

Commissioner Kent requested City Manager Shanahan speak with him before this came up next year on other possibilities to expand on this even more.

Call Vote:	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
Carried.	Mayor Kelley	Yes

Item #8C – Sludge Disposal Service

RESOLUTION NO. 2011-39

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SHELLEY'S ENVIRONMENTAL SYSTEMS REGARDING SLUDGE DISPOSAL SERVICES UNDER A COOPERATIVE BID SOLICITED BY THE CITY OF DAYTONA BEACH; AUTHORIZING PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Resolution 2011-39, as read by title only.**

Commissioner Kent stated the City had terminated the relationship with Shelley's Environmental Systems due to an employee of the company apprehended dumping untreated residuals on a land application site, which was a violation of Florida Department of Environmental Protection

(FDEP) permit conditions. He stated he was wary approving the resolution without sharing his concerns.

City Manager Shanahan explained Shelley's Environmental Systems (Shelley's) had been reissued a FDEP permit, and the City relied upon FDEP for the management of regulatory compliance. She stated she shared Commissioner Kent's concerns, but she reported she had spoken with the Dave Shelley regarding the incident. She stated her concern was the City could not get a lower price from Shelley's, then after it was sent out for bids, Shelley's submitted the lowest price, which was lower than the previous price the City paid. She stated Mr. Shelley had explained that new processes had become available with new opportunities for the disposal of the bio-solids, making for a more competitive marketplace.

Dave Ponitz, Utilities Manager, stated staff had painfully terminated the relationship with Shelley's after the violation, but it was done in the best interest of the City. He stated that up until the time of the contract termination, Shelley's had provided excellent service and was the most flexible of all the providers of this service. He stated it was difficult to overcome the lowest bid, and such action required considerable justification. Mr. Ponitz stated he was comfortable with awarding the contract to Shelley's.

Commissioner Kent stated he trusted Mr. Ponitz's judgment and he felt comfortable with his advice.

Commissioner Partington inquired as to the circumstances that provided Mr. Ponitz with the level of comfort he had with Shelley's.

Utilities Manager Ponitz explained that Shelley's actually did not lose the FDEP permit; but at the time, it was determined that in the best interests of the City, the contract would be terminated. He explained that Daytona Beach never ceased using Shelley's services. He stated FDEP issued a notice to deny their permit, Shelley's responded appropriately to the Notice For Additional Information by providing FDEP with everything to regain FDEP's endorsement.

Commissioner Partington inquired about any protection to the City of Ormond Beach should Shelley's violate regulatory procedure.

Utilities Manager Ponitz stated the City's contract was carefully reviewed by the City's Legal Department and staff to insure the City had the authority to enforce the contract to the benefit and safety of the environment, and to protect the City from potential liability.

Commissioner Partington stated he would discuss the treatment options with City Manager Shanahan.

City Manager Shanahan stated most of the issues regarding treatment options were regulatory issues, and the City was not a regulatory agency. She explained that once a vendor accepted the sludge, it was the vendor's sludge to dispose of appropriately.

Call Vote:	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
	Commissioner Kent	Yes
Carried.	Mayor Kelley	Yes

Item #9A– Downtown Parking Improvements

RESOLUTION NO. 2011-40

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, ACCEPTING THE BID OF TOMOKA CONSTRUCTION SERVICES, INC., REGARDING THE DOWNTOWN PARKING IMPROVEMENTS PROJECT (BID NO. 2011-03); REJECTING ALL OTHER BIDS; AUTHORIZING THE EXECUTION OF A CONTRACT, AND PAYMENT THEREUNDER; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Resolution No. 2011-40, as read by title only.**

Mayor Kelley reported that this had the unanimous approval of the CRA. He stated this was a public hearing, and there were no requests from the audience to speak.

Call Vote:	Commissioner Partington	Yes
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	Commissioner Stowers	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
Carried.	Mayor Kelley	Yes

Mayor Kelley stated that without objection, the public hearing was closed.

Item #9B – FDOT SR40 Resurfacing

RESOLUTION NO. 2011-41

A RESOLUTION OF THE CITY COMMISSION, ALSO ACTING AS THE COMMUNITY REDEVELOPMENT AGENCY, OF THE CITY OF ORMOND BEACH, FLORIDA, APPROVING A CONCEPTUAL PLAN AS SUBMITTED BY FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE SR40 RESURFACING PROJECT; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Stowers, for approval of Resolution No. 2011-41, as read by title only.**

Call Vote:	Commissioner Stowers	Yes
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
Carried.	Mayor Kelley	Yes

Without objection, Mayor Kelley closed the public hearing.

Item #9C – LDC Amendment – Non-Emergency Medical Transport Services

ORDINANCE NO. 2011-07

AN ORDINANCE AMENDING CHAPTER 1, GENERAL ADMINISTRATION, OF ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITION OF TERMS AND WORDS, CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE II, DISTRICT REGULATIONS, SECTIONS 2-32, LIGHT INDUSTRIAL (I-1), AND CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF ARTICLE IV, CONDITIONAL AND SPECIAL EXCEPTION REGULATIONS, SECTION 2-57, CRITERIA FOR REVIEW OF SPECIFIC CONDITIONAL AND SPECIAL EXCEPTION, SUBSECTION N, OF THE CITY OR ORMOND BEACH *LAND DEVELOPMENT CODE*, TO ADD A DEFINITION OF NON-EMERGENCY MEDICAL TRANSPORT SERVICES; ADD A NON-EMERGENCY MEDICAL TRANSPORT SERVICES CONDITIONAL USE TO THE I-1 ZONING DISTRICT AND ADD CERTAIN CONDITIONS/CRITERIA TO THE CONDITIONAL USE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2011-07, on second reading, as read by title only.**

Mayor Kelley stated this was a public hearing, and there were no requests from the audience to speak.

Call Vote:	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
Carried.	Mayor Kelley	Yes

Mayor Kelley closed the public hearing without objection.

Item #9D – Moratorium on Internet Cafes/Adult Arcade Amusement

ORDINANCE NO. 2011-08

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, IMPOSING A TEMPORARY MORATORIUM FOR 180 DAYS ON THE RECEIPT, CONSIDERATION OR ISSUANCE OF ANY BUSINESS TAX RECEIPT, BUILDING PERMIT, SPECIAL EXCEPTION, SITE PLAN APPROVAL OR ANY OTHER OFFICIAL ACTION OF THE CITY OF ORMOND BEACH HAVING THE

EFFECT OF PERMITTING OR ALLOWING THE OPERATION OF INTERNET CAFES, INTERNET SWEEPSTAKES REDEMPTION CENTERS, OR ADULT ARCADE AMUSEMENT CENTERS, PENDING THE STUDY OF THE LEGALITIES OF SUCH OPERATIONS AND WHETHER THE REGULATION OF SUCH ACTIVITIES AND FACILITIES IS REQUIRED; PROVIDING LEGISLATIVE FINDINGS; PROVIDING THE DURATION; SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Kelley stated this was a public hearing, and there were no requests to speak.

**Commissioner Kent moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2011-08, on first reading, as read by title only.**

Call Vote:	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
	Commissioner Kent	Yes
Carried.	Mayor Kelley	Yes

Hearing no objection, Mayor Kelley closed the public hearing.

Item #9E – 1561 North US1 Annexation

ORDINANCE NO. 2011-09

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE EAST SIDE OF NORTH U.S. HIGHWAY 1, ADJACENT TO THE NORTHBOUND ENTRANCE TO INTERSTATE 95 AND BEING COMMONLY LOCATED AT 1561 NORTH U.S. HIGHWAY 1, INCLUDING A PORTION OF ROSEMARY STREET AND ATLANTIC ROAD; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OR ORMOND BEACH TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Mayor Kelley stated this was a public hearing with no requests from the audience to speak.

**Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2011-09, on first reading, as read by title only.**

Commissioner Stowers stated his law firm was involved with the City in discussions regarding the US1 North corridor; therefore, he recused himself.

Call Vote:	Commissioner Partington	Yes
	Commissioner Stowers	Abstained
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
Carried.	Mayor Kelley	Yes

Without objection, Mayor Kelley closed the public hearing.

Item #9F – 1521 North US1 Annexation

ORDINANCE NO. 2011-10

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE EAST SIDE OF NORTH U.S. HIGHWAY 1, APPROXIMATELY 1.125 LINEAR FEET SOUTH OF INTERSTATE 95 AND BEING COMMONLY LOCATED AT 1521 NORTH U.S. HIGHWAY 1, INCLUDING THAT PORTION OF BENTON STREET AND BROADWAY AVENUE ABUTTING THE PROPERTY; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 1 OF THE CITY OR ORMOND BEACH TO INCLUDE THE PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.



Mayor Kelley stated this was a public hearing, and there were no requests to speak.

**Commissioner Partington moved, seconded by Commissioner Boehm, for approval of Ordinance No. 2011-10, on first reading, as read by title only.**

Commissioner Stowers stated his comments related to Item #9E also related to Item #9F, and he recused himself.

Call Vote:	Commissioner Stowers	Abstained
	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
Carried.	Mayor Kelley	Yes

Hearing no objections, Mayor Kelley closed the public hearing.

Item #10 – LDC Amendment – Docks, Boathouses and Boat Lifts

ORDINANCE NO. 2011-06

AN ORDINANCE AMENDING SUBSECTION E, DOCKS, BOATHOUSES AND BOAT LIFTS OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF ARTICLE III, GENERAL REGULATIONS, SECTION 2-50, ACCESSORY USES, OF THE *LAND DEVELOPMENT CODE*. BY INCREASING THE HIGHEST POINT OF THE ROOF OF ANY BOATHOUSE OR SIMILAR STRUCTURE ABOVE THE WATER LEVEL AT MEAN HIGH TIDE FROM 12 FEET TO 18 FEET; AND BY ADDING AN EXCEPTION TO THE PERMIT REQUIREMENTS THAT ARE ELIGIBLE FOR “CONSENT BY RULE” FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR SINGLE FAMILY DOCK PROJECTS NOT IN AN AQUATIC PRESERVE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Boehm moved, seconded by Commissioner Stowers, for approval of Ordinance No. 2011-06, on second reading, as read by title only.**

Call Vote:	Commissioner Kent	Yes
	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
Carried.	Mayor Kelley	Yes

Item #11- Reports, Suggestions, Requests

iPads

Commissioner Boehm stated this was the first opportunity the Commission had to use their iPads for the meeting agenda. He explained there are significant savings to the City over the paper copies.

Commissioner Partington thanked City Manager Shanahan for the iPads, which were a huge improvement. He stated the savings with the electronic format over paper copies was obvious.

Commissioner Kent wondered why the City had not moved to the iPad sooner.

Beachfront Park Design

Commissioner Boehm stated his pleasure at the design services award being presenting to Zev Cohen and Associates. He stated through his experiences with Dwight Durrant, he had every confidence that the beachfront park was being designed by people who lived in and cared about Ormond Beach. He stated Zev Cohen and Associates were top notch people who would do a top notch job.

Lara Mirante

Commissioner Boehm stated Lara Mirante had been inducted into the Florida Wing Civil Air Patrol Honor Society, one of ten people in the State of Florida. He stated he would like to see her honored at a Commission meeting.

Basketball Hoops

Commissioner Boehm stated that nine year old Samantha Roberts was the Florida State Elks Hoop Shoot Champion, averaging between 17 or 18 free throws out of 20. He stated that was a

remarkable accomplishment for a nine year old, because he was not able to do that at any age. He stated Samantha should be honored at a Commission meeting.

#### Volunteer Services

Commissioner Boehm stated he had always been a big proponent of public/private partnerships, and he had endorsed these partnerships all his years on the Leisure Services Advisory Board. He stated he was excited to see the City of Ormond Beach Volunteer Services page on the City's website. He stated this gave citizens the opportunity to interact with government and provide their talents to serve and make the City a better place. He stated this was a situation of the City reaching out to the private sector and asking the private sector to help.

City Manager Shanahan stated the application was available on the website, which had been done at the direction of the Commission.

#### City Manager Shanahan

Commissioner Boehm reported that City Manager Shanahan was nominated as the President Elect of the Florida City and County Management Association. He stated for our little City to have the President for the State of Florida of the City and County Management Association was a significant accomplishment for Ms. Shanahan. He stated he would be pleased to support her when she was sworn in as President.

#### CRA Items

Commissioner Partington thanked staff and the volunteers of MainStreet for all the tremendous amount of planning and work to bring this to the Commission. He stated all their efforts allowed the Commission to pass both items with little effort and he was excited to see the projects moving forward.

Commissioner Stowers stated nine years ago, he worked as an intern for the City of Gainesville in Economic Development where he was charged with summarizing all their CRA summaries. He stated that on dusty shelf after dusty shelf there were a multitude of plans that had never been implemented; his job being to review all the plans and to come up with yet another plan. He stated because he was reminded of that experience, he reviewed the Ormond Beach Master Plan, which included the names of the residents that had participated in the very public process, and a list of citizens' goals, many of which have been achieved, due to Ormond MainStreet, the citizens and staff commitment to the document. He referenced the several goals that were listed and the results, showing the City was using the document and working toward achieving the goals listed. He read one of the goals, "re-evaluate Granada Boulevard Boulevard Streetscape design. . . and side streets aesthetic improvements." He stated the design committee, Paul Momberger, Mike Bonvino, and himself, worked on the Downtown Improvements. He was excited to see it before the Commission, although it took longer to achieve than they anticipated. He stated the Master Plan was a living document that was in the process of accomplishing the goals set out in it.

Mayor Kelley stated he remembered walking in the rain with the Regional Secretary of Florida Department of Transportation to promote removing the bicycle lanes from Granada Boulevard.

#### Calle Grande Sidewalk

Commissioner Kent stated he was pleased the City had responded to the needs of Holly Hill to protect the children of that city, and he thanked staff.

#### Feeding Feral Cats at Ormond Memorial Gardens

Commissioner Kent stated someone was feeding feral cats at Ormond Memorial Gardens, which also fed rats and raccoons. He asked City Manager Shanahan to investigate the situation.

#### Cardinal Beach Ramp

Commissioner Kent stated in July, the County was planning to close the Cardinal Beach Ramp for revamping. He stated the improvements needed to be done, but he was strongly opposed to doing this in July.

City Manager Shanahan stated she would send a letter to the County requesting this not be done in July.

Commissioner Kent stated that if the entire Commission was in agreement, the City Manager should send a letter requesting this not be done in July, and that if another ramp was able to be opened, it should be opened all the time.

Commissioner Stowers stated he would like to get the background information and the reasoning behind the decision before a letter was sent.

City Manager Shanahan stated staff had spoken to the County and it was explained that permitting issues did not allow the work to be done sooner. She stated a letter would be sent to express the City's deep concern.

Short Term Rentals in Residential Areas

Commissioner Kent stated the house directly behind his house, again had out of state vehicles, a biker and a trailer, which he believed to be short term renters. He stated staff was investigating the situation and attempting to contact the owner of the property, but he stated the situation had been going on too long.

Mayor's Kudos to Commission Members

Mayor Kelley thanked Commissioner Partington for attending the legislative session in Tallahassee in his stead, which allowed him to attend a meeting with a representative of a group of investors who will be investing \$32 million and employ 61 people; and a meeting with a group of veterans being recognized by Outback Restaurant. He stated Outback was donating a percentage of the menu, up to \$1 million nationwide, in support of veterans. He stated the manager of the local Outback Restaurant was donating bar stools, glasses and other surplus items to be used in the new facility for veterans. The Mayor stated he was excited with the Commission members because they came to the meetings prepared, which allowed efficiency, and they were serving for the right reasons.

Item #12 – Close the Meeting

The meeting was adjourned at 8:17 p.m.

APPROVED: March 21, 2011

BY: Ed Kelley, Mayor

ATTEST:

Veronica Patterson, City Clerk